

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF NextGen 1.8 (rev. 1.8.1)
Eastern Division**

Mario Sava, et al.

Plaintiff,

v.

Case No.: 1:22–cv–06083

Honorable Joan H. Lefkow

21st Century Spirits, LLC, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Thursday, October 17, 2024:

MINUTE entry before the Honorable Joan H. Lefkow: Plaintiffs' motion to strike affirmative defenses [164] is granted. Defenses 1–4, 6, 8–14, 16, and 18 are stricken because they are denials of facts pleaded in the complaint or facts upon which plaintiff has the burden of proof. Certain asserted defenses qualify as affirmative defenses but are not germane to the claims asserted. For example, defenses 15, (contributory negligence), 20 (assumption of risk), and 21 (failure to mitigate) are pleaded as bars to "all claims." If germane at all, they apply only to the negligence claims and state no facts in support. As for the statute of limitations defense, defendants plead no facts permitting an inference that they have a good faith statute of limitations defense. As for equitable defenses, there is no factual basis to permit the inference that they would bar any of the claims (Nos. 5, 22). Defense no. 19 is invalid. If defendants believe another party is responsible for plaintiffs' claimed injury, they should file a third–party complaint. Jurisdictional issues have been resolved in the motion to dismiss. Defendant's claims of error are preserved for appeal. Efficiency teaches that such theories should not be repleaded, i.e., the court's rulings should be accepted in subsequent pleadings. The reservation of rights paragraph is stricken as well. This ruling is without prejudice to defendants' seeking leave to amend the pleadings if discovered facts demonstrate that a defense hereby stricken may support a valid affirmative defense. Mailed notice (ags)

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